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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,860	01/25/2007	Kyu Young Kim	K-0800	6863
34610 7590 09/25/2008 KED & ASSOCIATES, LLP P.O. Box 221200 Chantilly, VA 20153-1200				
EXAMINER				
LEUNG, PHILIP H				
ART UNIT		PAPER NUMBER		
3742				
MAIL DATE		DELIVERY MODE		
09/25/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/575,860

Applicant(s)

KIM, KYU YOUNG

Examiner

Philip H. Leung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/02)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Klapper (DE 31 35 290 A1) (newly cited).

Klapper shows a microwave oven 2, comprising a body forming an outer appearance; an inner case in the body having a cooking chamber 1 formed therein, the inner case having a pair of side walls 15, a rear wall, and top and bottom walls; an outfit room 19 provided at one of the pair of side walls of the inner case, the outfit room having a plurality of electric parts (such as fan 11, motor 14, heating element 12) mounted therein; and a convection assembly mounted at one of the pair of side walls 15 of the inner cases that transmits heat to the cooking chamber 1, wherein the convection assembly comprises: a convection heater 12 configured to generate heat for convection heating; and a convection fan 11 configured to transmit the heat generated by the heater to the cooking chamber, and wherein the convection heater is positioned adjacent the convection fan (see Figures 1 and 2 and the English abstract).

3. Claim 1 is further rejected under 35 U.S.C. 102(b) as being anticipated by Day (US 2002/0003140 A1) (newly cited).

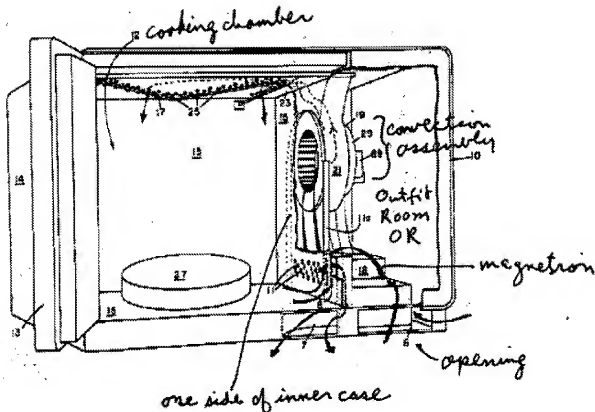
Day shows a microwave oven 20, comprising a body 22 forming an outer appearance; an inner case in the body having a cooking chamber 24 formed therein, the inner case having a pair of side walls 34, 36, a rear wall 38, and top 32 and bottom walls 30; an outfit room 28 provided at one of the pair of side walls of the inner case, the outfit room having a plurality of electric parts (including blower 50 and its motor, and electric heaters) mounted therein; and a convection assembly 50 mounted at one of the pair of side walls of the inner cases that transmits heat to the cooking chamber, wherein the convection assembly comprises: a convection heater (see paragraph [0037]) configured to generate heat for convection heating; and a convection fan 50 configured to transmit the heat generated by the heater to the cooking chamber, and wherein the convection heater is positioned adjacent the convection fan 50 (see Figures 1-11 and paragraphs [0035] – [[0051]).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 6 and 21 are rejected under 35 U.S.C. 103(a) as being obvious over Klapper (DE 31 35 290 A1), in view of Larsen et al (US 4,332,992) (previously cited).

Klapper shows a microwave oven 2, comprising a body forming an outer appearance; an inner case in the body having a cooking chamber 1 formed therein, the inner case having a pair of side walls 15, a rear wall, and top and bottom walls; an outfit room 19 provided at one of the pair of side walls of the inner case, the outfit room having a plurality of electric parts (such as fan 11, motor 14, heating element 12) mounted therein; and a convection assembly mounted at one of the pair of side walls 15 of the inner cases that transmits heat to the cooking chamber 1, wherein the convection assembly comprises: a convection heater 12 configured to generate heat for convection heating; and a convection fan 11 configured to transmit the heat generated by the heater to the cooking chamber, and wherein the convection heater is positioned adjacent the convection fan (see Figures 1 and 2 and the English abstract). Therefore, Klapper shows every feature as claimed except for the location of the magnetron and the transformer being in the outfit room. Larsen shows a microwave oven comprising: a body 10 forming an outer appearance; an inner case 15 in the body having a cooking chamber 12 formed therein; an outfit room (marked as OR) at one side of the inner case, having various electric parts, (including a magnetron 18, a high voltage transformer 92), mounted therein; and a convection assembly (19, 21, 29) mounted at a side of the inner case, for transmitting heat to the cooking chamber and a convection heater 17 for generating heat for convection heating (see the marked-up copy of Figure 1 below).



It would have been obvious to an ordinary skill in the art at the time of invention to modify Klapper to locate the magnetron and transformer together with the convection assembly including the convection fan so that the oven enclosure can be more compact and the heat generating components, such as the magnetron and the transformer can be more effectively cooled, in view of the teaching of Larsen.

6. Claims 3, 4, 7-20 and 25 are rejected under 35 U.S.C. 103(a) as being obvious over Klapper (DE 31 35 290 A1), in view of Larsen et al (US 4,332,992), as applied to claims 2, 6 and 21 above, and further in view of Takeshita (JP 5-144561) (previously cited).

As set forth above, Klapper combined with Larsen shows every feature as claimed except for the location of the cooling fan. Takeshita shows a microwave oven having an outfit room including a magnetron 15, a transformer 16 and a cooling fan 3 located on an upper surface at a rear corner of the outfit room (as claimed in claims 3, 4). It also shows holes 21 in the bottom of the oven body and an exhaust opening 22 in an upper surface of the body (as claimed in claims 9, 12 and 16) (see Figures 1 and 2 and the English abstract). It would have been obvious to an ordinary skill in the art at the time of invention to modify Klapper combined with Larsen to locate a cooling fan at the upper rear corner of the outfit room (OR) to more efficiently cool the electric components in the outfit room in order to form a compact size oven and reduce noise, in view of the teaching of Takeshita. The exact location of the fan and the air inlet and outlet holes would have been a matter of engineering expediency depending on the overall relative location of all the oven components, such as the electric heaters, the convection assembly, the microwave generating components and the power supply system.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being obvious over Larsen et al (US 4,332,992), in view of Tanaka et al (US 4,337,384) and Takeshita (JP 5-144561), as applied to claims 3, 4, 7-20 and 25 above and further in view of Idomoto (JP 2-244586) (previously cited).

As set forth above, Klapper combined with Larsen and Takeshita shows every feature as claimed except for the use of a tilted cooling fan. Idomoto shows a microwave oven having an outfit room including a magnetron 4, a transformer 9, electric motor 5 and a cooling fan 2 which is tilted toward these heat generating components (see Figure 3 and the English abstract). It

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would have been obvious to an ordinary skill in the art at the time of invention to modify Klapper combined with Larsen and Takeshita to tilt the cooling fan toward the heat generating components for more efficient and better cooling result, in view of the teaching of Idomoto.

8. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip H. Leung whose telephone number is (571) 272-4782.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on (571)-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Philip H Leung/
Primary Examiner, Art Unit 3742

P.Leung/pl
9-19-2008